

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 28, 2004

DIVISION ONE

B173088 Los Angeles County, D.C.S. (Not for Publication)
v.
A.B.,
In re N.B.

The jurisdictional and dispositional orders of February 10, 2004, are reversed and the cause is remanded as are necessary to establish full compliance with the notice requirements of the Indian Child Welfare Act (ICWA). After proper notice as required by the ICWA and if no response is received indicating that the minors are Indian children within the meaning of the ICWA, the jurisdictional and dispositional orders shall be immediately reinstated and further proceedings as are appropriate shall be conducted. If a tribe determines that the minors are Indian children within the meaning of the ICWA, the court shall proceed accordingly. In all other respects, the orders are affirmed.

Mallano, Acting P.J.

I concur: Suzukawa, J. (Assigned)
I concur (with judgment only): Vogel (Miriam A.), J.

B174731 Los Angeles County, D.C.F.S. (Not for Publication)
v.
J.W.,
In re J.W.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

December 28, 2004 (Continued)

DIVISION ONE (Continued)

B174298 People (Not for Publication)
v.
Cooley

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

B172540 Padilla (Not for Publication)
v.
MRA Holding, LLC, et al.

The order is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Suzukawa, J. (Assigned)

B171044 Begando (Not for Publication)
v.
Peterson, et al.

The order is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Suzukawa, J. (Assigned)

December 28, 2004 (Continued)

DIVISION ONE (Continued)

B173919 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Eliza A., et al.

The May 11, 2004 order is affirmed. The purported appeals from the May 5 and May 8, 2004 orders are dismissed.

Spencer, P.J.

I concur: Suzukawa, J. (Assigned)

I concur in the judgment only: Vogel, J.

B168727 Feder (Not for Publication)
v.
Feder

The judgment is reversed. The trial court is directed to vacate the judgment and enter judgment anew in favor of Caryn in the amount of \$200,000. Caryn is awarded her costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Suzukawa, J. (Assigned)

DIVISION TWO

B160298 Lee (Not for Publication)
v.
Ford

The judgment awarding \$5,000 to Richard Lee is affirmed. To the extent an order was entered awarding \$11,562 in trial costs to Lee, that order is reversed, and the case is remanded to the trial court to enter an award of trial costs after considering Lee's July 10, 2002, memorandum of costs and Felicia Ford's April 18, 2003, motion to tax costs. Lee is awarded his costs on appeal.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

DIVISION THREE

B172925 Los Angeles County, D.C.S. (Not for Publication)
B173922 v.
Christopher O. and Lisa A.,

In Christopher O.'s appeal, the judgment is affirmed. In mother Lisa S.'s appeal, the juvenile court orders are reversed and the matter is remanded for the DCFS to comply with ICWA notice requirements. After Indian entities receive proper notice under the ICWA, if Andrew F. or Prescilla S. is determined not to be an Indian child and the ICWA does not apply, the juvenile court should reinstate all previous orders. Alternatively, after Indian entities receive proper notice under the ICWA, if Andrew F. or Prescilla S. is determined to be an Indian child and the ICWA applies to these proceedings, Mother is then entitled to petition the juvenile court to invalidate orders which violated 25 United States Code sections 1911, 1912, and 1913. (See 25 U.S.C.sec. 1914 and Cal. Rules of Court, rule 1439(n)(1).)

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B167302 People (Not for Publication)
v.
Henry Bolden

The judgment is modified to reduce Bolden's conviction from petty theft with a prior theft-related conviction (sec.666) to misdemeanor theft (sec.484). The matter is remanded for a determination of whether Bolden has suffered a prior theft-related offense, consistent with the opinions expressed herein, and for resentencing after resolution of that question. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B173972 Alameda Produce Market, Inc. (Not for Publication)
v.
City of Los Angeles et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B172381 People (Not for Publication)
v.
Wanhainen

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

DIVISION FIVE

B179463 David Taylor (Not for Publication)

v.

Superior Court, Los Angeles County,
(H & C Disposal Company, r.p.i.)

The mandate petition is granted. Let a peremptory writ of mandate issue staying all proceedings subject to the parties' right to conduct discovery pursuant to Code of Civil Procedure section 2036 and any California Rules of Court, rule 56.4(a) cost litigation. Plaintiff, David Taylor, is to recover his costs in connection with these extraordinary writ proceedings from defendant, H & C Disposal Company.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

Each of the following:

B173146 People v. Jeffrey Green
B172777 People v. Travis Barnett
B170740 People v. Leonard Smith
B170071 Drazen, et al. v. Enco Structural Builders Inc., et al.

Filed order denying petition for rehearing.